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May 20, 2020

VIA ECF

Hon. Vernon S. Broderick, U.S.D.J.
United States District Court
Southern District of New York
Thurgood Marshall United States Courthouse
40 Foley Square, Room 415
New York, New York 10007

Re: Dubai Equine Hospital v. Equine Imaging, LLC, et al., No. 18-cv-6925 (VSB)

Dear Judge Broderick:

We represent Plaintiff Dubai Equine Hospital (“**Plaintiff**”) in the above-referenced matter. We write regarding the Second Amended Case Management Plan and Scheduling Order (“**Second Amended CMO**”) (Dkt. 45) that the Court entered on May 1, 2020.

On April 27, 2020, Plaintiff filed a Motion to Compel against Defendants George Papaioannou and Equine Imaging, LLC (together, “**Defendants**”) on the basis that Defendants failed to provide available dates for their deposition and failed to substantiate withholding confidential documents and/or execute a confidentiality agreement. As a result, Plaintiff requested that the Court extend the discovery end date only for Defendants to produce the withheld documents and for Plaintiff to take Defendants’ depositions.

On May 1, 2020, the Court granted Plaintiff’s Motion to Compel and entered the Second Amended CMO. In the Second Amended CMO, however, the Court extended all fact discovery to July 30, 2020. We respectfully request that the Court amend the Second Amended CMO and extend fact discovery to only allow Defendants to produce the withheld documents and Plaintiff to conduct Defendants’ depositions.

The Court conducted an initial conference in this action on November 8, 2019. Therefore, the parties have been involved in discovery for nearly six months. Despite serving document requests and interrogatories, Defendants failed to serve any notices of deposition on Plaintiff, have not served any subpoenas on third parties and have not conducted any depositions. Defendants also failed to request an extension of time to conduct discovery before the discovery end date of April 30, 2020. Therefore, Defendants waived their right to conduct any further discovery.

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Plaintiff previously filed a request for this relief on May 5, 2020. On May 6, 2020, the Court denied Plaintiff's application without prejudice and directed Plaintiff to refile its request at the end of the discovery stay relating to Defendants' replacement of counsel. The discovery stay ended on May 18, 2020. Therefore, Plaintiff now refiles its request.

Accordingly, we respectfully request that the Court amend the Second Amended CMO to only allow an extension of fact discovery for Defendants to produce the withheld documents and for Plaintiff to conduct Defendants' depositions.

We thank the Court for its attention to these matters.

Respectfully submitted,
MEYNER AND LANDIS LLP

Catherine Pastrikos Kelly

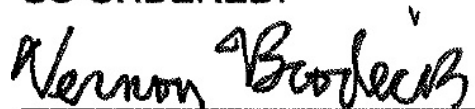
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cc: George Papaioannou (*via email and first-class mail*)
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Sands Point, New York 11050
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Equine Imaging, LLC d/b/a Four Dimensional Digital Imaging, LLC
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c/o George Papaioannou
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Application granted in part and denied in part. The parties are reminded of their obligation to file a joint status update proposing dates for the noticed depositions, and a proposed protective order to facilitate the production of potentially confidential material. The parties shall file this status update no later than May 29, 2020. Corporate defendant Equine Imaging, LLC is also advised of its obligation to retain counsel or risk default judgment. Plaintiff is directed to mail a copy of this order and the revised case management plan and scheduling order to Defendants and file proof of such mailing.

SO ORDERED:



HON. VERNON S. BRODERICK 5/21/2020
UNITED STATES DISTRICT JUDGE